

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
May 10, 2023
5:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for May 10, 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
Larry Waltrip
Scott Maye, Vice Chair
Leslie Bowie, Alternate

Board Members Absent:

Michael O'Brien

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 for April 12, 2023 Regular Meeting

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

The minutes were approved on a voice vote.

D. PUBLIC HEARINGS

1. CBPA-23-0039 : 105 Tewning Road

A motion to Approve w/ Conditions was made by Halle Dunn, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1
Ayes: Bowie, Dunn, Maye, Roadley, Waltrip
Absent: O'Brien

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. James Die, RK&K, on behalf of Mr. Darryl Cook, James City County, for encroachments into the Resource Protection Area (RPA) for the retrofit of an existing stormwater Best Management Practices (BMP) facility. The property is further identified as James City County

Tax Map Parcel No. 3910100003. 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. Darryl Cook, James City County General Services Department, 107 Tewning Road, offered further information about the plan including a survey of the existing BMPs at and near the site, the extent of the clearing that is included in the plan, and an explanation of how stormwater runoff will be directed once the work is complete.

Mr. Roadley closed the Public Hearing.

The Board discussed the pros and cons of the plan.

2. CBPA-23-0045 : 5343 Rockingham Drive

A motion to Approve w/ Conditions was made by Scott Maye, the motion result was Passed.

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

Ayes: Bowie, Dunn, Maye, Roadley, Waltrip

Absent: O'Brien

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. Andrew Coleman, for encroachments into the RPA for the replacement and expansion of a deck. The property is further identified as James City County Tax Map Parcel No. 3221200153. 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. Andrew Coleman, 5343 Rockingham Drive, provided further details of existing site conditions.

Mr. Roadley closed the Public Hearing.

The Board discussed the pros and cons of the plan.

3. CBPA-23-0031 : 205 Bulwell Forest

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

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

Ayes: Bowie, Dunn, Maye, Roadley, Waltrip

Absent: O'Brien

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.

The Public Hearing remained open from the April 12, 2023, Regular Board Meeting.

A. Mr. Chase Grogg, LandTech Resources, Inc., 205 Bulifants Boulevard, Suite E, provided further details about the plan including an explanation of changes that were made to the site plan since its submittal.

Mr. Roadley closed the Public Hearing.

The Board discussed the pros and cons of the plan, including recognition of the plan's minimal expected impact to water quality.

Staff clarified the location of BMPs as they appear on the site plan for the Board.

4. CBPA-23-0032 : 5 Tay River

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

AYES: 3 NAYS: 2 ABSTAIN: 0 ABSENT: 1

Ayes: Bowie, Maye, Waltrip

Nays: Dunn, Roadley

Absent: O'Brien

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Walk Wright Construction, 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. 3720200044. 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.

The Public Hearing remained open from the April 12, 2023, Regular Board Meeting.

A. Mr. Chase Grogg, LandTech Resources, Inc., 205 Bulifants Boulevard, Suite E, offered further details about the plan, including an explanation of the history of RPA and wetland delineation adjustments at the site, a description of the house's proposed size as it relates to other nearby houses, and the expected flow of stormwater runoff after construction is completed.

Mr. Roadley closed the Public Hearing.

The Board considered the pros and cons of the plan.

Mr. Dunn expressed concern for the extent to which the plan encroaches into the RPA, especially with reference to the size of the house.

5. CBPA-23-0030: 153 Shinnecock

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

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

Ayes: Bowie, Dunn, Maye, Roadley, Waltrip

Absent: O'Brien

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

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

Ayes:

Nays: Bowie, Dunn, Maye, Roadley, Waltrip

Absent: O'Brien

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Howard Jones, 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. 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 Public Hearing remained open from the April 12, 2023, Regular Board Meeting.

A. Mr. Chase Grogg, LandTech Resources, Inc., 205 Bulifants Boulevard, Suite E, provided further details of the plan including a description of the house's proposed size as it relates to other nearby houses.

B. Mr. Howard Jones, 5309 Ashborough Drive, Providence Forge, Virginia, offered an explanation for the increased size of the proposed house in comparison to the minimum size requirement established by the Ford's Colony Homeowners Association, citing the need to accommodate current and expected health requirements of his family members.

Mr. Roadley closed the Public Hearing.

The Board considered the pros and cons of the plan, including the impact of the increased size of the house.

Mr. Everard advised the Board on the appropriate procedure to accommodate both the active motion to Deny the application for the exception request as well as the requested motion to Defer. Mr. Everard also confirmed for the Board that an Approved motion to Deny would require the Applicant to resubmit a new exception request if they intended to bring the case before the Board again.

Mr. Roadley reopened the Public Hearing.

6. CBPA-23-0041 : 141 Riverview Plantation

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

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

Ayes: Bowie, Dunn, Maye, Roadley, Waltrip

Absent: O'Brien

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Edward and Ms. Kalisha Jordan, for encroachments into the RPA for the installation of a driveway and site grading. The property is further identified as James City County Tax Map Parcel No. 1640500002. 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. Edward Jordan, 141 Riverview Plantation, provided further details of the plan including an explanation of how the site constraints have contributed to the application for the exception request.

Mr. Roadley expressed concern for the effectiveness of the erosion control measures in the plan.

B. Ms. Vivian Carpenter, 137 Riverview Plantation Drive, objected to the plan, citing historic problems regarding previous construction work at the site, concern for further encroachment into the RPA, and the potential issues that may arise if the location of the existing septic system overlaps with the proposed plan.

A. Mr. Jordan reiterated the need for erosion control at the site.

Mr. Roadley closed the Public Hearing.

Mr. May indicated that further consideration of the site constraints might yield a more effective revised plan.

Mr. Dunn expressed concern for the extent to which the proposed location of the driveway encroaches into the RPA.

Mr. Waltrip considered the benefit of relocating the proposed driveway.

Mr. Roadley reopened the Public Hearing.

A. Mr. Jordan indicated that moving the proposed location of the driveway would not affect the existing erosion issues.

Mr. Roadley expressed the need for further information about the details of the plan.

A. Mr. Jordan requested a deferral for the exception request.

Mr. Roadley closed the Public Hearing.

Mr. Roadley reopened the Public Hearing.

7. CBPA-23-0044 : 112 North Turnberry

A motion to Defer was made by Halle Dunn, the motion result was Passed.

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

Ayes: Bowie, Dunn, Maye, Roadley, Waltrip

Ms. Robin Benedict, Watershed Planner, presented the request for deferral submitted by Mr. Mark Adam, Black Tip Associates, LLC, on behalf of Ms. Karen and Mr. David Hescoc, citing the need for further revision of the site plan. The exception request is for encroachments into the RPA for the construction of a new single-family dwelling. The property is further identified as James City County Tax Map Parcel No. 3721200004. Ms. Benedict also recommended that the Public Hearing should be opened and remain so as a matter of procedure.

Mr. Roadley opened the Public Hearing.

E. BOARD CONSIDERATIONS

None.

F. MATTERS OF SPECIAL PRIVILEGE

Absent: O'Brien

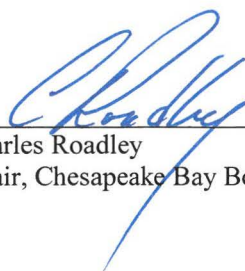
None.

G. ADJOURNMENT

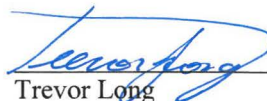
Absent: O'Brien

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

The meeting adjourned at 7:14 p.m.



Charles Roadley
Chair, Chesapeake Bay Board



Trevor Long
Secretary to the Board