

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
September 13, 2023
5:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for September 13, 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. PUBLIC COMMENT

None.

C. ROLL CALL

Board Members Present:

Charles Roadley, Chair
Larry Waltrip
Scott Maye, Vice Chair
Michael O'Brien

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

D. MINUTES

1. Minutes from the August 9, 2023, Chesapeake Bay Board Regular Meeting

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

The minutes were Approved on a voice vote.

2. Minutes from the August 22, 2023, Chesapeake Bay Board Special Meeting

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

The minutes were Approved on a voice vote.

E. PUBLIC HEARING(S)

1. CBPA-23-0089 : 3096 North Riverside

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

Ayes: 4 NAYS: 0 ABSTAIN: 0 ABSENT:1

Ayes: Maye, O'Brien, Roadey, Waltrip

Absent: Dunn

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. Sean Thompson, Total Home Improvements, on behalf of Ms. Jacqueline E. and Mr. Geoffrey A. Stephan, for encroachments into the Resource Protection Area (RPA) for the construction of a deck. The property is further identified as James City County Real Estate Tax Map Parcel No. 1910200017. 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.

The Board discussed the pros and cons of the plan.

Mr. Roadley closed the Public Hearing.

2. CBPA-23-0087 : 105 Ambrose Hill

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

Ayes: 4 NAYS: 0 ABSTAIN: 0 ABSENT:1

Ayes: Maye, O'Brien, Roadey, Waltrip

Absent: Dunn

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Joseph Krallinger, The Structures Group Inc., on behalf of Ms. Jeannie S. and Mr. Lee Scott Trainum, for encroachments into the RPA for the installation of a retaining wall. The property is further identified as James City County Real Estate Tax Map Parcel No. 5030400077. 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.

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

3. CBPA-23-0098 : 109 Brancaster

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

Ayes: 3 NAYS:1 ABSTAIN: 0 ABSENT: 1

Ayes: Maye, O'Brien, Waltrip

Nay: Roadley

Absent: Dunn

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr.

Chase Grogg, LandTech Resources, Inc., on behalf of Ms. Hillary Brown and Mr. Darnell Lamont Covil, for encroachments into the RPA for the construction of a single-family dwelling. The property is further identified as James City County Real Estate Tax Map Parcel No. 3810300033. 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. Chase Grogg, LandTech Resources, Inc., 205 Bulifants Boulevard, Suite E, provided additional insights into the plan, including current site conditions and details about the floodplain elevation as it relates to the proposed basement.

B. Mr. Charles Deschaine, 106 Brancaster, objected to the plan, citing the parcel's low elevation as it relates to stormwater runoff from other parcels on the same street.

A. Mr. Grogg clarified details about the proposed management of stormwater runoff that is incorporated into the plan for the Board.

The Board discussed the pros and cons of the plan, including the apparent effort to work within the given site constraints a mitigate impact to the RPA.

Mr. Roadley expressed concern for the likelihood of sediment deposition at the site and the potential for flooding issues.

Mr. Roadley closed the Public Hearing.

4. CBPA-23-0085 : 4816 Hickory Signpost

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

Ayes: 2 NAYS: 2 ABSTAIN: 0 ABSENT:1

Ayes: Maye, Waltrip

Nay: Roadley, O'Brien

Absent: Dunn

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Ms. Sone Marcano, for encroachments into the RPA for the construction of a single-family dwelling. The property is further identified as James City County Real Estate Tax Map Parcel No. 4720100045. 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 August 9, 2023, Regular Board Meeting.

A. Mr. Chase Grogg, LandTech Resources, Inc., 205 Bulifants Boulevard, Suite E, provided additional insights into the plan, including changes made to the plan since it was before the Board in August and details about tree clearing associated with the plan. Mr. Grogg also explained how stormwater runoff at the site would be managed.

B. Ms. Sone Marcano, 817 23rd Street, Virginia Beach, Virginia, stated her desire to construct a house at this location based on personal and family considerations.

C. Ms. Elizabeth Rutherford Bowling, 4676 Hickory Signpost Road, objected to the plan, citing its impact to the RPA.

D. Mr. Gary Bowling, 4676 Hickory Signpost Road, objected to the plan, citing its impact to the RPA.

E. Ms. Babs Bengston, 4824 Hickory Signpost Road, objected to the plan, citing its impact to the RPA.

F. Mr. Max Whitehead, 4638 Hickory Signpost Road, objected to the plan, citing flooding concerns.

G. Ms. Ruby Diane Bishon, 4847 Hickory Signpost Road, objected to the plan, citing siteline and flooding concerns.

A. Mr Grogg offered comments pertaining to specific points of concern raised by other public speakers.

Mr. Michael Woolson, Resource Protection Section Chief, Stormwater and Resource Protection, offered an explanation of property owner rights that relate to work done within the RPA as described in the James City County Code.

C. Ms. Bowling reiterated concern for the impact to the RPA, especially as it relates to the potential impact to any RPA on her nearby property.

B. Ms. Marcano reiterated her support for the plan. She cited the effort it makes to mitigate impact and mentioned the precedent of approved nearby single-family dwelling construction within the RPA.

Mr. Maye indicated support for the plan.

Mr. Roadley expressed concern for the plan's impact to water quality.

Mr. Waltrip indicated support for the plan, mentioning especially the effort to reduce impact and work within site constraints.

Mr. O'Brien expressed concern for the project's disharmony with the Chesapeake Bay Preservation Act.

Mr. Roadley closed the Public Hearing.

F. BOARD CONSIDERATION(S)

Mr. Michael Woolson, Resource Protection Section Chief, Stormwater and Resource Protection, explained to the Board that Mr. Halle Dunn's term as a regular Board member has expired and that he is not seeking reappointment. Mr. Woolson also informed the Board that Mr. Long has accepted a different position outside of the County's employ.

G. MATTERS OF SPECIAL PRIVILEGE

None.

H. ADJOURNMENT

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

The meeting adjourned at 6:53 p.m.



~~Charles Roadley~~ *M. Scott Maye*
Chair, Chesapeake Bay Board



Robin Benedict
Secretary to the Board