

**MINUTES**  
**JAMES CITY COUNTY CHESAPEAKE BAY BOARD**  
**REGULAR MEETING**  
**COUNTY GOVERNMENT CENTER BOARD ROOM**  
**101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185**  
**October 11, 2023**  
**5:00 PM**

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**A. CALL TO ORDER**

The Chesapeake Bay Board meeting for October 11, 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**

The Public Comment Agenda item was moved during the meeting to come after the Roll Call Agenda item was completed.

None.

**C. ROLL CALL**

**Board Members Present:**

Larry Waltrip  
Michael O'Brien  
Scott Maye, Vice Chair  
Leslie Bowie

**Board Members Absent:**

Charles Roadley, 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

**D. MINUTES**

1. Minutes from the September 13, 2023, Regular Meeting

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

The minutes were Approved on a voice vote.

**E. BOARD CONSIDERATION(S)**

1. Election of Officer : Board Secretary

A motion to Appoint Ms. Robin Benedict, Watershed Planner, as Secretary of the Chesapeake Bay Board was made by Ms. Bowie and Approved by a unanimous voice vote.

**F. PUBLIC HEARING(S)**

1. CBPA-23-0109 : 3508 Pine Ridge Road

A motion to Approve w/ Conditions was made by Ms. Bowie, the motion result was Passed.

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

Ayes: Bowie, Maye, O'Brien, Waltrip

Absent: Roadley

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Ms. Erica Bridgette, GC Commercial, Inc., on behalf of Mr. Benjamin and Ms. Courtney Kreicar, for encroachments into the Resource Protection Area (RPA) for the construction of a porch and deck. The property is further identified as James City County Real Estate Tax Map Parcel No. 1220600110. 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. Maye opened the Public Hearing.

A. Mr. Kevin Warren, GC Commercial, Inc., 3 Pennington Avenue, Newport News, Virginia, clarified details of the plan for the Board, including that there will not be any trees removed.

Mr. Maye closed the Public Hearing.

The Board discussed the pros and cons of the plan.

2. CBPA-23-0106 : 97 Shellbank

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

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

Ayes: Bowie, Maye, O'Brien, Waltrip

Absent: Roadley

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. James and Ms. Shirley Fast, for encroachments into the RPA for the installation of a patio and firepit. The property is further identified as James City County Real Estate Tax Map Parcel No. 4530200018. 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. Maye opened the Public Hearing.

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

The Board discussed the pros and cons of the plan.

3. CBPA-23-0113 : 1580 Harbor Road

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

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

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

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. Ronald Curtis, Ronald Curtis Builders, on behalf of Mr. Thomas and Ms. Mary Wilkinson, for encroachments into the RPA for the construction of a deck. The property is further identified as James City County Real Estate Tax Map Parcel No. 4310200019. 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. Maye opened the Public Hearing.

A. Mr. Chase Grogg, LandTech Resources, Inc., 205 Bulifants Boulevard, Suite E, provided additional insights into the plan.

Mr. Maye closed the Public Hearing.

The Board discussed the pros and cons of the plan.

4. CBPA-23-0101 : 104 Colonel's Way

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

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. Ryan Linnekin, Williams Landscape & Design, Inc., on behalf of Mr. Paul Byron and Ms. Aimee Eileen McLendon, for encroachments into the RPA for the installation of a patio. The property is further identified as James City County Real Estate Tax Map Parcel No. 5030300019. 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. Maye opened the Public Hearing.

A. Mr. Ryan Linnekin, Williams Landscape & Design, Inc., 1554 Penniman Road, offered further insights into the plan for the Board, including a description of the proposed infiltration trench.

Mr. Maye closed the Public Hearing.

The Board discussed the pros and cons of the plan, including the extent to which the proposed mitigation plantings go beyond the typical requirement.

5. CBPA-23-0083 : 113 Glasgow

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

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

Angela Whitehead, Soil Horizons, LLC, on behalf of Mr. John and Ms. Sheree Ann Konstantinou, 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. 3820200058. 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 the floodplain delineation at the site and how matters related to the floodplain are outside the Board's purview.

Mr. Maye opened the Public Hearing.

A. Ms. Angela Whitehead, Soil Horizons, LLC, 2 Whittakers Mill Road, offered further details about the plan, including the proposed size of the house in comparison to both the size requirements set by Ford's Colony and the sizes of nearby houses. Ms. Whitehead also explained how adjacent properties will not be affected by surface runoff from the site during a 100-year storm event, and how the site and soil conditions are not suitable for constructing an on-site stormwater Best Management Practices (BMP) facility.

Mr. Maye closed the Public Hearing.

Mr. O'Brien expressed concern for the plan, indicating that it is not the minimum necessary to afford relief and that the proposed mitigation does not sufficiently offset an apparent degradation to water quality.

Mr. Maye concurred with Mr. O'Brien's opinions.

Mr. Waltrip indicated that, in the absence of any concern for flooding raised by adjacent property owners, there is not sufficient evidence that flooding at the site would become an issue. Mr. Waltrip also commended the apparent efforts made to work within the given site constraints and suggested that further mitigation could be provided.

Ms. Bowie indicated concern for the impact of the plan on the existing wetlands.

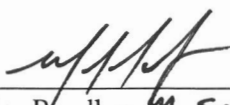
**G. MATTERS OF SPECIAL PRIVILEGE**


None.

**H. ADJOURNMENT**

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

The meeting adjourned at 6:11 p.m.

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

  
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Robin Benedict  
Secretary to the Board