

**MINUTES**  
**JAMES CITY COUNTY CHESAPEAKE BAY BOARD**  
**REGULAR MEETING**  
**COUNTY GOVERNMENT CENTER BOARD ROOM**  
**101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185**  
**January 10, 2024**  
**5:00 PM**

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**A. CALL TO ORDER**

The Chesapeake Bay Board meeting for January 10, 2024, 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  
Scott Maye, Vice Chair  
Leslie Bowie

**Board Members Absent:**

Michael O'Brien  
Larry Waltrip

**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  
Emily Grojean, Watershed Planner, Stormwater and Resource Protection  
Andrew Dean, Assistant County Attorney, County Attorney's Office

**C. MINUTES**

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

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

The minutes were approved on a voice vote.

**D. PUBLIC COMMENT**

None.

**E. PUBLIC HEARING(S)**

1. CBPA-23-0165 : 4209 Cliffside Drive

A motion to Approve w/ Conditions was made by Mr. Maye, the motion result was Passed.  
AYES: 3 NAYS: 0 ABSTAIN: 0 ABSENT: 2  
Ayes: Bowie, Maye, Roadley  
ABSENT: O'Brien, Waltrip

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. Andrew Ross, AF Ross, LLC, on behalf of Mr. Douglas and Ms. Susan Miller, for encroachments into the Resource Protection Area (RPA) for the expansion of a deck. The property is further identified as James City County Real Estate Tax Map Parcel No. 2341200015. 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.

The Board discussed the pros and cons of the plan.

Mr. Roadley closed the Public Hearing.

2. CBPA-23-0160 : 8810 Pocahontas Trail Unit: 59

A motion to Approve w/ Conditions was made by Mr. Maye, the motion result was Passed.  
Ayes: 3 NAYS: 0 ABSTAIN: 0 ABSENT: 2  
Ayes: Bowie, Maye, Roadley  
Absent: O' Brien, Waltrip

Ms. Emily Grojean, Watershed Planner, presented the exception request submitted by Ms. Linda Krohn, American Community Management, on behalf of Heritage Community, LLC, for encroachments into the RPA for the installation of a mobile home. The property is further identified as James City County Real Estate Tax Map Parcel No. 5920100003. 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. Ms. Linda Krohn, American Community Management, 125 Burgess Street, explained the planned procedure for preparing the site directly beneath the mobile home for installation.

The Board discussed the pros and cons of the plan.

Mr. Roadley closed the Public Hearing.

3. CBPA-23-0172 : 109 Thorpe's Parish

A motion to Approve w/ Conditions was made by Ms. Bowie, the motion result was Passed.  
Ayes: 3 NAYS: 0 ABSTAIN: 0 ABSENT: 2  
Ayes: Bowie, Maye, Roadley  
Absent: O' Brien, Waltrip

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. Joseph Krallinger, The Structures Group, Inc., on behalf of Mr. Ken and Ms. Christy Tankersley, for encroachments into the RPA for the construction of a walkway, patio, and a retaining wall. The property is further identified as James City County Real Estate Tax Map

Parcel No. 5030300014. 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 area of new impervious ground cover.

Mr. Roadley opened the Public Hearing.

A. Mr. Joseph Krallinger, The Structures Group, Inc., 1200 Old Colony Lane, provided further information about the plan for the Board.

The Board discussed the pros and cons of the plan.

Mr. Roadley closed the Public Hearing.

4. CBPA-23-0175 : 160 John Browning

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

Ayes: 3 NAYS: 0 ABSTAIN: 0 ABSENT: 2

Ayes: Bowie, Maye, Roadley

Absent: O' Brien, Waltrip

Ms. Emily Grojean, Watershed Planner, presented the exception request submitted by Mr. Micah Miller, Easton Outdoors, on behalf of Mr. Shaun Reddy and Mr. Glenn Ballard, for encroachments into the RPA for the construction of a pool, patio, pavilion, and retaining walls. The property is further identified as James City County Real Estate Tax Map Parcel No. 5130400014. 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. Micah Miller, Easton Outdoors, 550 Wythe Creek Road, Poquoson, Virginia, presented additional information to the Board, including details about the use of permeable jointing sand during the installation of the proposed pervious pavers, the current site slope conditions, the plan's long-term stormwater runoff management, and its approval status by the Virginia's Soil and Water Conservation Districts' (SWCD) Virginia Conservation Assistance Program (VCAP).

The Board discussed the pros and cons of the plan, including the plan's accountability for the potential stormwater runoff that might lead to erosion at the site.

Mr. Michael Woolson, Resource Protection Section Chief, expressed confidence in the plan, highlighting its approval by Virginia's SWCD for the VCAP and its effective management of stormwater runoff from typical rain events.

Mr. Roadley expressed concern for the plan's ability to accommodate more substantial rain events.

A. Mr. Miller proposed amending the current plan to accommodate more substantial rain events by altering one of the proposed basins to be more permeable.

Staff confirmed for the Board that Mr. Miller's proposed changes would not require the plan to be resubmitted.

Mr. Maye reiterated Mr. Roadley's concern and indicated support for the plan with the presented changes.

Mr. Roadley closed the Public Hearing.

5. CBPA-23-0171 : 131 George Sandys

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

Ayes: 3 NAYS: 0 ABSTAIN: 0 ABSENT: 2

Ayes: Bowie, Maye, Roadley

Absent: O' Brien, Waltrip

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. Joseph Krallinger, The Structures Group, Inc., on behalf of Ms. Tammy Short, for encroachments into the RPA for the replacement of an existing retaining wall. The property is further identified as James City County Real Estate Tax Map Parcel No. 5820200030. 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. Joseph Krallinger, The Structures Group, Inc., 1200 Old Colony Lane, provided further information about the plan for the Board.

The Board discussed the pros and cons of the plan.

Mr. Roadley closed the Public Hearing.

6. CBPA-23-0174 : 275 Old Stage Road

Ms. Robin Benedict, Watershed Planner, notified the Board that the public advertisement for this item was made with the incorrect address and that no action should be taken by the Board at this time. Ms. Benedict also noted that the corrected advertisement will run prior to the February 14, 2024 Regular Meeting, at which time the case will be brought before the Board.

7. CBPA-23-0183 : 275 Old Stage Road

A motion to Defer was made by Ms. Bowie, the motion result was Passed.

Ayes: 3 NAYS: 0 ABSTAIN: 0 ABSENT: 2

Ayes: Bowie, Maye, Roadley

Absent: O' Brien, Waltrip

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. Mark Boyd, Kimley-Horn and Associates, Inc., on behalf of LI Hazelwood Farms VA Investor, LP, for encroachments into the RPA for site grading associated with the construction of a building. The property is further identified as James City County Real Estate Tax Map Parcel No. 0440100013. 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,

Ms. Benedict presented two letters from adjacent property owners, each expressing their views on the plan. The first letter, submitted by Ms. Ronda McCrea, 223 Old Stage Road, raised

objections to the plan, citing concerns about potential stormwater runoff impacts on her property. The second letter, from Mr. David Osman and Ms. Pam Lundberg, 8904 Thomas Higgs Court, also expressed objections to the plan, highlighting concerns about its impact on the site's wetlands, particularly in relation to the habitat of endangered species. Each letter also cited multiple concerns that are outside the purview of the Board.

**A.** Mr. Mark Boyd, Kimley-Horn and Associates, Inc., 2035 Maywill Street, Suite 200, Richmond, Virginia, presented additional details about the plan to the Board, in response to the Board's inquiries: he explained the rationale behind the building's location, provided updates on the project's progress in other agencies' permitting processes, shared findings from an endangered species survey that revealed no endangered species, and clarified the proposed roadway's placement.

Mr. Roadley clarified the purview of the Board.

**B.** Ms. Darlene Previs, 211 Old Stage Road, inquired whether the current site plan shows an increased encroachment into the RPA compared to the original site plan. Ms. Previs also cited concerns that are outside the Board's purview.

Mr. Roadley clarified that the only encroachment into the RPA is related to the slope of the proposed fill and noted that it is common for site plans to undergo alterations after their original conception.

**C.** Mr. Edwin Lampitt, 2616 Meadow Lake Drive, expressed concern for the impact the plan would have on wildlife.

**D.** Mr. Ben Swift, Lovett Industrial, 923 15th Street NW, Washington D.C., offered details of the planned landscaping at the site, clarified that other areas of the parcel will eventually be developed, and described the location of the necessary fire access road that encircles the building.

**A.** Mr. Boyd provided further detail about site constraints as they relate to the location of the building as well as reiterating that there is a comprehensive stormwater management plan that accompanies the entirety of the project.

Mr. Roadley expressed support for the plan's minimal impact to the RPA and indicated concern for the impact of the proposed stormwater outfalls.

Mr. Maye voiced concern about the applicant's procedural approach, cautioning that seeking exceptions for RPA work separately could lead to potential issues and emphasizing the need to present the Board with a comprehensive overview of the entire project. Additionally, Mr. Maye expressed that the RPA impacts could be considered self-created as the building size could potentially be reduced to lessen the impacts on the RPA.

Ms. Bowie agreed with Mr. Maye and suggested that the Board could make better decisions with additional details about the impacts of the applicant's entire project at the site.

**A.** Mr. Boyd stated that the chosen procedure of applying for separate exceptions to work within the RPA is not intended to subvert any intent of the Board and that the extent of the impact for the construction of this building will not change once approved by the Board.

**D.** Mr. Swift mentioned that reducing the building's size would have an adverse economic impact for the applicant. Instead, he proposed constructing a retaining wall as an alternative to altering the slope of the land in order to minimize the impact on the RPA. Mr. Swift requested a deferral of the exception until the February 14, 2024 Regular Meeting.

**F. BOARD CONSIDERATION(S)**

1. CBPA-22-0120 : 108 Murcar

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

Ayes: 3 NAYS: 0 ABSTAIN: 0 ABSENT: 2

Ayes: Bowie, Maye, Roadley

Absent: O' Brien, Waltrip

Ms. Emily Grojean, Watershed Planner, presented an extension request for the exception originally approved by the Board on January 11, 2023. The exception was originally submitted by Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Daniel McCormick. Staff proposed that the new expiration date of January 11, 2025, be approved.


**G. MATTERS OF SPECIAL PRIVILEGE**

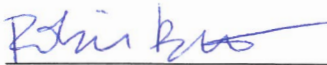
None.

**H. ADJOURNMENT**

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

The meeting adjourned at 6:42 p.m.

  
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Charles Roadley  
Chair, Chesapeake Bay Board

  
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Robin Benedict  
Secretary to the Board