

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
May 8, 2024
5:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for May 8, 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
Larry Waltrip
Scott Maye
Leslie Bowie

Board Members Absent:

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

C. MINUTES

1. Minutes from the April 10, 2024, Regular Meeting

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

The minutes were approved on a voice vote.

Mr. Roadley stated that Item No7 of the minutes needed to be updated from closed to deferred.

D. PUBLIC COMMENT

None.

E. PUBLIC HEARING(S)

1. CBPA-24 0042 : 140 Freshwater Bay

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

Ms. Emily Grojean, Watershed Planner, presented the exception request submitted by Mr. Larry Walk, Walk Wright Construction, LLC, on behalf of Mr. James and Ms. Mary Kim for encroachments into the Resource Protection Area (RPA) for the construction of a retaining wall. The property is further identified as James City County Real Estate Tax Map Parcel No. 3131500023. 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. James Kim, Owner of 140 Freshwater Bay, explained the design and purpose of the retaining wall.

The Board discussed the pros and cons of the plan.

Mr. Roadley closed the Public Hearing.

2. CBPA 24-0045 : 275 Old Stage Road

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

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 the extension of public utilities. 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.

Mr. Roadley opened the Public Hearing.

A. Mr. Mark Boyd, Kimley-Horn and Associates, Inc., 2035 Maywill Street, Richmond, Virginia, explained the details of the plan.

The Board discussed the pros and cons of the plan.

Mr. Roadley closed the Public Hearing.

3. CBPA-23-0174 : 9400 Barnes Road

A motion to Approve w/ Conditions was made by Mr. Waltrip, the motion result was Failed.
AYES: 2 NAYS: 2 ABSTAIN: 0 ABSENT: 1
Ayes: Waltrip, Roadley
Nays: Maye, Bowie
Absent: O'Brien

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 the site grading associated with the construction of a building. The property is further identified as James City County Real Estate Tax Map Parcel No. 0430100017. 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. Ben Swift, Lovett Industrial, 923 15th Street, Washington, D.C., provided background and additional information on the project. Mr. Swift responded to the Board's concerns.

The Board discussed the pros and cons of the plan. Mr. Maye expressed concern that the application was not the minimum necessary to afford relief and would be a detriment to water quality.

Mr. Roadley closed the Public Hearing.

4. CBPA-24-0031 : 113 Glasgow

A motion to Deny was made by Mr. Maye, the motion result was Passed.

AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Waltrip, Maye, Bowie, Roadley

Absent: O'Brien

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. John and Ms. Sheree Konstantinou for encroachments into the RPA for the construction of a single-family dwelling with an attached deck. 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.

Mr. Roadley announced that the Public Hearing remained open from the April 10, 2024, Regular Meeting.

A. Mr. Chase Grogg, LandTech Resources, Inc., 205 Bulifants Boulevard, Suite E, updated the Board on actions taken since the case was previously brought before the Board.

B. Mr. Leonard Heath, Jr., Heath & Verser, P.L.C., 11832 Rock Landing Drive, Suite 201, Newport News, stated that the actions taken by the developer would still impact drainage onto the neighboring lot.

A. Mr. Grogg confirmed that the concerns regarding drainage were based on a prior application.

In response to Mr. Waltrip's inquiry, Mr. Grogg reported that the lots are in a flood zone and in any major rain event the system would fail.

B. Mr. Heath expressed concern that no warranties or agreements have been presented that would address future drainage issues.

The Board discussed the pros and cons of the plan.

Mr. Roadley reminded that the purpose of the Board is to protect the RPA. Mr. Maye stated

that the plan presented is favorable under the circumstances.

Mr. Roadley closed the Public Hearing.

F. BOARD CONSIDERATION(S)

1. York River State Park - VDOT Presentation

Mr. Joseph Parfitt, Virginia Department of Transportation (VDOT), presented updates on the York River State Park project. VDOT entered into an agreement with the Department of Conservation and Recreation (DCR) to implement shoreline stabilization. Work was around the trail between the Visitors Center and Fossil Beach in Summer 2022; however, Hurricane Ian damaged the stabilization measures and additional storm damage occurred in 2023. Permanent stabilization was completed in April 2024.

2. CBPA-23-0030 : 153 Shinnecock

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: Waltrip, Maye, Bowie, Roadley

Absent: O'Brien

Ms. Emily Grojean, Watershed Planner, presented an extension request for the exception originally approved by the Board on July 12, 2023. The exception was originally submitted by Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Howard Jones. Staff proposed that the new expiration date of July 12, 2025 be approved.

3. CBPA-23-0060 : 499 Jolly Pond Road

A motion to Approve w/ Conditions was made by Mr. Maye, the motion result was Passed.
AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Waltrip, Maye, Bowie, Roadley

Absent: O'Brien

Ms. Emily Grojean, Watershed Planner, presented an extension request for the exception originally approved by the Board on June 14, 2023. The exception was originally submitted by Mr. Ryan Stephenson, AES Consulting Engineers, on behalf of Colonial Heritage, LLC. Staff proposed that the new expiration date of June 14, 2025 be approved.

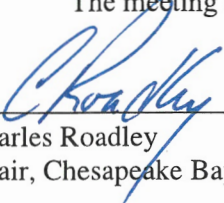
G. MATTERS OF SPECIAL PRIVILEGE

None.


H. ADJOURNMENT

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

The meeting adjourned at 6:21 p.m.



Charles Roadley
Chair, Chesapeake Bay Board



Robin Benedict
Secretary to the Board