

**MINUTES**  
**JAMES CITY COUNTY CHESAPEAKE BAY BOARD**  
**REGULAR MEETING**  
**COUNTY GOVERNMENT CENTER BOARD ROOM**  
**101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185**  
**June 12, 2024**  
**5:00 PM**

---

**A. CALL TO ORDER**

The Chesapeake Bay Board meeting for June 12, 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:**

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

**Board Members Absent:**

None

**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 May 8, 2024, 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-24-0051 : 105 Shellbank Drive

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: Bowie, Maye, O'Brien, Roadley  
Mr. Waltrip arrived after voting concluded.  
Absent: Waltrip

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. Bruce Christman, for encroachments into the Resource Protection Area (RPA) for the construction of a fire pit and patio. The property is further identified as James City County Real Estate Tax Map Parcel No. 4530200014. 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-24-0052 : 105 Mahogany Run

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

Ms. Emily Grojean, Watershed Planner, presented the exception request submitted by Mr. Corey Bell, Williams Landscape and Design, on behalf of Mr. Anthony and Ms. Kathleen A. Zotto, for encroachments into the RPA for the construction of a patio. The property is further identified as James City County Real Estate Tax Map Parcel No. 3131000011. 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. O'Brien asked about the proposed quantity of mitigation. Ms. Grojean responded that the proposed mitigation is equal to the required amount.

Mr. Roadley opened the Public Hearing.

A. Mr. Nate Reams, Williams Landscape and Design, 1554 Penniman Road, described plans to prevent any erosion during construction. Mr. Roadley raised the issue of mitigation for post-construction erosion. Mr. Reams stated that the landscape plan would provide for that.

The Board discussed the pros and cons of the plan.

Mr. Roadley closed the Public Hearing.

3. CBPA-24-0047 : 3120 Windy Branch Drive

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

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. Mitchell Foos, The Kings Garden, on behalf of Mr. Jeffrey and Ms. Mary Scaggs, for encroachments into the RPA for the construction of a patio and seating wall. The property is further identified as James City County Real Estate Tax Map Parcel No. 520400005. 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 requested clarification regarding the condition of the retaining wall. Ms. Benedict confirmed that the retaining wall showed no signs of failure. Ms. Benedict clarified that drainage would migrate away from the proposed patio.

Mr. Roadley opened the Public Hearing.

The Board discussed the pros and cons of the plan.

Mr. Roadley closed the Public Hearing.

4. CBPA-24-0046 : 4820 Wellesley Boulevard

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

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

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

Ms. Emily Grojean, Watershed Planner, presented the exception request submitted by Scott Massie, Massie Construction and Land Management, LLC, on behalf of Villages at Westminster Homeowners Association, for encroachments into the RPA for the installation of a concrete swale. The property is further identified as James City County Real Estate Tax Map Parcel No. 3221000001A. 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. Waltrip asked if construction started prior to requesting a waiver. Ms. Grojean confirmed that work was started previously but upon notification of the applicant all work was halted until the Board approved the proposal.

Ms. Bowie asked if overflow from the pool was also controlled by drainage.

Ms. Grojean deferred the question to the applicant.

Mr. Roadley asked about energy dissipation at the inlets.

Ms. Grojean deferred the question to the applicant.

Mr. Roadley opened the Public Hearing.

A. Mr. Scott Massie, Massie Construction and Land Management, LLC, 6101 Philbates Creek Road, Barhamsville confirmed that the swale would receive drainage from the deck of the pool.

The Board discussed the pros and cons of the plan.

Mr. Roadley closed the Public Hearing.

5. CBPA-24-0065 : 9400 Barnes Road

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

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

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

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. Mark Boyd, Kimley-Horn, 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. 430100017. 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. detailed the history of the project and how it had been modified to accommodate environmental concerns.

Mr. Maye informed the Board that he met privately with Mr. Swift to discuss mitigation measures of the plan.

Mr. Waltrip asked for details regarding the retaining wall.

A. Mr. Swift confirmed that the proposed wall will be a keystone wall with a single-tier, sloped-back design containing built-in drainage.

The Board discussed the pros and cons of the plan.

Mr. Roadley closed the Public Hearing.

**F. BOARD CONSIDERATION(S)**

Mr. Michael Woolson, Resource Protection Section Chief, Stormwater and Resource Protection, informed the Board that there would probably be a July meeting for both Wetlands and the Chesapeake Bay Board and tentatively have two cases for the August Board meeting.

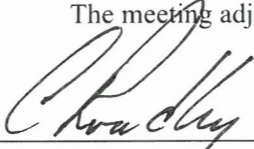
**G. MATTERS OF SPECIAL PRIVILEGE**


None.

**H. ADJOURNMENT**

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

The meeting adjourned at 5:53.

  
\_\_\_\_\_  
Charles Roadley  
Chair, Chesapeake Bay Board

  
\_\_\_\_\_  
Michael Woolson  
Secretary to the Board