

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
November 14, 2024
5:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for November 14, 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
Michael O'Brien, Vice Chair
Scott Maye
Leslie Bowie

Board Members Absent:

Larry Waltrip

Other Staff Present:

Toni Small, Director, Stormwater and Resource Protection
Michael Woolson, Resource Protection Section Chief, Stormwater and Resource Protection
Emily Grojean, Watershed Planner, Stormwater and Resource Protection
Amanda Frazier, Watershed Planner, Stormwater and Resource Protection
Andrew Dean, Assistant County Attorney, County Attorney's Office

C. MINUTES

1. Minutes from the October 9, 2024, Regular Meeting

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

The minutes were approved on a voice vote.

D. PUBLIC COMMENT

None.

E. PUBLIC HEARING(S)

1. CBPA-24-0139 : 3889 News 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: O'Brien, Maye, Bowie, Roadley
Absent: Waltrip

Ms. Emily Grojean, Watershed Planner, presented the exception request submitted by Mr. Barrett Terrell, AES Consulting Engineers, Inc., on behalf of Ford's Village, LLC, for encroachments into the Resource Protection Area (RPA) for the installation of a sanitary sewer bridge. The property is further identified as James City County Real Estate Tax Map Parcel No. 3730100004. 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. Graham Corson, AES Consulting Engineers, Inc., 5248 Olde Towne Road, Suite 1, Williamsburg, VA, reviewed the details of the plan.

The Board discussed the pros and cons of the plan.

Mr. Roadley closed the Public Hearing.

2. CBPA-24-0086 : 112 Meadow Rue Court

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

Ms. Amanda Frazier, Watershed Planner, presented the exception request submitted by Mr. Gerald L. Simmons Jr. for encroachments into the RPA for the installation of a shed. The property is further identified as James City County Real Estate Tax Map Parcel No. 4910230009. 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. Lisa Simmons, 112 Meadow Rue Court, stated that they are requesting the construction of a shed.

The Board discussed the pros and cons of the plan.

Mr. Roadley closed the Public Hearing.

3. CBPA-24-0116 : 124 W Links

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

Ms. Amanda Frazier, Watershed Planner, presented the exception request submitted by Mr. Nate Reams, Williams Landscape & Design, on behalf of Mr. Richard D. and Ms. Sara Ann Blarr, for encroachments into the RPA for the construction of a patio, fire pit, and retaining

wall. The property is further identified as James City County Real Estate Tax Map Parcel No. 3710200216. 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. Nate Reams, Williams Landscape & Design, 1554 Penniman Road, Williamsburg, VA, detailed the purpose of upgrading the patio and the retaining wall.

The Board discussed the pros and cons of the plan.

Mr. Roadley closed the Public Hearing.

4. CBPA-24-0147 : 4048 Powhatan Secondary

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: O'Brien, Maye, Bowie, Roadley

Absent: Waltrip

Ms. Emily Grojean, Watershed Planner, presented the exception request submitted by Mr. David Soto, The Structures Group, Inc., on behalf of Mr. Henry A. and Ms. Suzanne E. Franklin, for encroachments into the RPA for the construction of a retaining wall. The property is further identified as James City County Real Estate Tax Map Parcel No. 3741600024. 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, Williamsburg, VA, stated that the goal of the project was to build out the property for more accessible space.

Mr. O'Brien questioned the condition of the retaining walls.

A. Mr. Krallinger stated that the upper retaining wall will remain, but the lower wall would be demolished and a new lower retaining wall would be rebuilt.

The Board discussed the pros and cons of the plan.

Mr. Roadley closed the Public Hearing.

5. CBPA-24-0148 : 1540 Harbor 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: O'Brien, Maye, Bowie, Roadley

Absent: Waltrip

Ms. Emily Grojean, Watershed Planner, presented the exception request submitted by Mr. Chase Grogg, Landtech Resources, Inc., on behalf of Mr. Arthur J. and Ms. Nancy M. Schmeiser Jr., for encroachments into the RPA for the construction of a single-family residence and pool. The property is further identified as James City County Real Estate Tax Map Parcel No. 4310200009. 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 questioned whether the conservation easement line applied to the existing homes.

Ms. Grojean confirmed the easement line applied to other homes.

Mr. Roadley asked whether any vegetation would be cut to create a sight line.

Ms. Grojean could not confirm any cutting at the time.

Mr. Roadley opened the Public Hearing.

A. Mr. Chase Grogg, Landtech Resources, Inc., 205 Bulifants Boulevard, Suite E, Williamsburg, VA, stated the path to the rear of the property was previously approved.

A. Mr. Grogg stated that the property in question had breakwaters installed instead of bulkheads during the original construction of Governor's Land. Governor's Land also granted a front setback variance.

A. Mr. Grogg stated that the plan had been modified not to include a pool in the RPA.

Mr. O'Brien requested clarity on how the RPA was changed.

B. Mr. Michael Woolson, Section Chief, Resource Protection, 101 Mounts Bay Road, Building E, confirmed that the field conditions changed due to the breakwater and sand fill, creating a scallop in the shoreline.

The Board discussed the pros and cons of the plan.

Mr. Roadley closed the Public Hearing.

6. CBPA-24-0082 : 105 Stone Bridge

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: O'Brien, Maye, Bowie, Roadley

Absent: Waltrip

Ms. Emily Grojean, Watershed Planner, presented the exception request submitted by Mr. Chase Grogg, Landtech Resources, Inc., on behalf of Mr. John D. Konstantinou, for encroachments into the RPA for the construction of a single-family residence. The property is further identified as James City County Real Estate Tax Map Parcel No. 3710200231. 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 questioned whether the square footage was for the structure, or other features of the plan.

Ms. Grojean confirmed the square footage quoted was for structure only.

Mr. Roadley opened the Public Hearing.

A. Mr. Chase Grogg, Landtech Resources, Inc., 205 Bulifants Boulevard, Suite E, Williamsburg, VA, detailed the plan and efforts taken to mitigate as much impact on the RPA as possible. He confirmed that the minimum square footage was 1,100 square feet. The proposed house had a square footage of 1,167 square feet and Mr. Grogg detailed the efforts taken to ensure water quality.

Mr. O'Brien questioned the cause of the difference in square footage.

A. Mr. Grogg confirmed that the method of calculation did not include the garage.

B. Ms. Sharee Konstantinou, 113 Walton Heath, Williamsburg, VA, emphasized the efforts taken to minimize the impact compared to other houses in the area.

C. Mr. Howard Bloom, 1 Road Hole, Williamsburg, VA, stated he investigated the square footage of houses in the proposed section and the amount should be 1,500 square feet.

A. Mr. Grogg stated his confidence that the quoted square footage was 1,100 square feet.

B. Ms. Konstantinou stated that in the Declaration of Covenants the minimum square footage was per section.

A. Mr. Grogg shared documentation regarding the square footage of various lots in Ford's Colony.

Mr. O'Brien stated that, historically, the Board had determined the square footage to be 1,100.

A. Mr. Grogg stated that there are several factors considered when determining square footage.

C. Mr. Bloom cited documentation of the square footage for a one-story dwelling as 1,500.

A. Mr. Grogg confirmed that the site plan misrepresented the project and that it would be a two-story dwelling.

The Board discussed the pros and cons of the plan.

Mr. Roadley closed the Public Hearing.

7. CBPA-24-0141 : 205 St. Cuthbert

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: O'Brien, Maye, Bowie, Roadley

Absent: Waltrip

Mr. Michael Woolson, Section Chief, presented the exception request submitted by Dr. James Mullins for encroachments into the RPA for the revision to an approved mitigation plan. The property is further identified as James City County Real Estate Tax Map Parcel No. 3721000053. 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 questioned whether the photos presented were current.

Mr. Woolson confirmed that they were.

Mr. O'Brien requested confirmation that the work was done in April 2023.

Mr. Woolson confirmed that it was.

Mr. Maye asked whether the \$2,500 paid to the Chesapeake Bay Mitigation Fund was in lieu of the doubled, after-the-fact fees.

Mr. Woolson stated that the payment amount was for the 1,000 square feet of mitigation, but the fee was not doubled.

Ms. Bowie observed some small trees in one photo and asked whether they were part of the original mitigation.

Mr. Woolson stated they were not.

Mr. Roadley requested to see the original site plan.

Mr Woolson stated that the original plan was in the Board Agenda Packet.

Mr. Roadley opened the Public Hearing.

A. Dr. James Mullins, 205 St. Cuthbert, apologized for not submitting an amendment and provided a brief background of the plan.

The Board discussed the pros and cons of the plan.

Mr. Roadley closed the Public Hearing.

F. BOARD CONSIDERATION(S)

1. Election of Officers for 2025

A motion to Postpone the Elections to the December meeting was made by Mr. Maye.

The motion was approved on a voice vote.

2. Adoption of 2025 Calendar

A motion to Approve the 2025 calendar was made by Mr. Maye.

The motion was approved on a voice vote.


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 6:54 p.m.



Charles Roadley
Chair, Chesapeake Bay Board



Michael Woolson
Secretary to the Board