

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185

January 9, 2025

5:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for January 9, 2025, 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:

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

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
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 December 11, 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-24-0177 : 2828 Starling Drive

A motion to Approve w/ Conditions was made by Mr. Maye, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1
Ayes: McElroy, Maye, Waltrip, O'Brien, Bowie
Absent: Roadley

Ms. Amanda Frazier, Watershed Planner, presented the exception request submitted by Mr. Mark E. Berry and Ms. Martha K. Berry, for encroachments into the Resource Protection Area (RPA) for the deck expansion and screened porch conversion. The property is further identified as James City County Real Estate Tax Map Parcel No. 4811500042. 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.

The Board discussed the pros and cons of the plan.

Ms. Bowie opened the Public Hearing.

A. Mr. Mark Berry, 2828 Starling Drive, stated that the design of the deck has not been finalized but can accommodate any conditions the Board may apply.

Ms. Bowie closed the Public Hearing.

2. CBPA-24-0167 : 305 Mill Stream Way

A motion to Approve w/ Conditions was made by Mr. Maye, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1
Ayes: McElroy, Maye, Waltrip, O'Brien, Bowie
Absent: Roadley

Ms. Emily Grojean, Watershed Planner, presented the exception request submitted by Mr. Kenny Brown, Total Home Improvements, Inc., on behalf of Mr. Jerold P. Prosek, for encroachments into the RPA for the home addition and expansion of a deck. The property is further identified as James City County Real Estate Tax Map Parcel No. 4711900004. 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.

The Board discussed the pros and cons of the plan.

Ms. Bowie opened the Public Hearing.

A. Mr. Donald Davis, Davis and Associates, PC, 3630 George Washington Memorial Highway, Yorktown, represented Total Home Improvements, Inc., and Mr. Prosek. Mr. Davis stated that the owner agreed to compensate with six shrubs and surety.

B. Mr. Jerold P. Prosek, 305 Mill Stream Way, stated that he was in agreement of the plan.

Ms. Bowie closed the Public Hearing.

3. CBPA-24-0178 : 112 Sugar Bush

A motion to Accept the Deferral Request was made by Mr. Maye, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1
Ayes: McElroy, Maye, Waltrip, O'Brien, Bowie
Absent: Roadley

Ms. Emily Grojean, Watershed Planner, presented the exception request submitted by Mr. Corey Bell, Williams Landscape & Design Inc., on behalf of Mr. Paul Koscak and Ms. Karen Savage, for encroachments into the RPA for the installation of a patio and walkway. The property is further identified as James City County Real Estate Tax Map Parcel No. 3131000015. 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.

The Board discussed the pros and cons of the plan.

Ms. Bowie opened the Public Hearing.

A. Mr. Dave Reams, Williams Landscape & Design, Inc., 1554 Penniman Road, explained the design of the walkway.

B. Mr. Kurt Detweiler, 108 Sugar Bush, via a written statement read by Ms. Grojean, detailed the deficiencies of the proposed plan. The statement also detailed issues with the original plan that had been resolved with the original plan that was approved by the Board.

A. Mr. Reams stated that Williams Landscaping & Design, Inc. would be working with Landtech Resources, Inc. to increase the size of the Best Management Practice (BMP) to accommodate water issues.

Mr. Waltrip asked whether enlarging the area would protect the neighboring property.

A. Mr. Reams reiterated that Landtech Resources, Inc. is very reputable and in cooperation with them, and issues could be resolved.

Ms. Bowie closed the Public Hearing.

Mr. Woolson requested clarification from the Board regarding recommendations on the placement of the infiltration trench.

Mr. McElroy questioned the flow of water from the infiltration trench.

Mr. Woolson responded that a swale system was used in the original plan and in the revised location the flow would still be in the swale system depending upon the grading.

A. Mr. Reams requested a 30-day deferral to address issues raised by the Board and the adjacent property owner.

4. CBPA-24-0176 : 104 Doral

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

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

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

Absent: Roadley

Ms. Emily Grojean, Watershed Planner, presented the exception request submitted by Mr. Chase Grogg, Landtech Resources, Inc., on behalf of Mr. James W. and Ms. Miaofen Lai Wilson, for encroachments into the RPA for the construction of a deck and patio. The property is further identified as James City County Real Estate Tax Map Parcel No. 3720400024. 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.

The Board discussed the pros and cons of the plan.

Ms. Bowie opened the Public Hearing.

A. Mr. Chase Grogg, Landtech Resources, Inc., 205 Bulifants Boulevard, Suite E, detailed the proposed plan and highlighted their approach to the plan..

Ms. Bowie closed the Public Hearing.

5. CBPA-24-0156 : 111 Burnham

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

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

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

Absent: Roadley

Ms. Amanda Frazier, Watershed Planner, presented the exception request submitted by Ms. Kristi Bruening, Custom Gardens, on behalf of Mr. Ralph A. and Ms. Linda S. Malami, for encroachments into the RPA for the replacement and expansion of a patio. The property is further identified as James City County Real Estate Tax Map Parcel No. 3720300145. 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.

The Board discussed the pros and cons of the plan.

Ms. Bowie opened the Public Hearing.

A. Mr. Ralph Malami, 111 Burnham, presented himself for any questions the Board had.

Ms. Bowie closed the Public Hearing.

6. CBPA-24-0179 : 208 Monifieth

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

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

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

Absent: Roadley

Ms. Emily Grojean, Watershed Planner, presented the exception request submitted by Mr. Chase Grogg, Landtech Resources, Inc., on behalf of Omega Development, LLC, for encroachments into the RPA for the construction of a single-family dwelling with an attached deck and patio. The property is further identified as James City County Real Estate Tax Map Parcel No. 3710800085. 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.

The Board discussed the pros and cons of the plan.

Ms. Bowie opened the Public Hearing.

A. Mr. Chase Grogg, Landtech Resources, Inc., 205 Bulifants Boulevard, Suite E, stated that the plan was previously approved by the Board in April 2021. Mr. Grogg presented the details of the plan and the efforts taken to make the plan compliant.

Ms. Bowie closed the Public Hearing.

7. CBPA-24-0119 : 2536 Robert Fenton

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

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

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

Absent: Roadley

Ms. Amanda Frazier, Watershed Planner, presented the exception request submitted by Mr. Bruce E. and Ms. Mary Jo Bailey for encroachments into the RPA for the installation of a path and patio. The property is further identified as James City County Real Estate Tax Map Parcel No. 4640700046. 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.

The Board discussed the pros and cons of the plan.

Ms. Bowie opened the Public Hearing.

A. Mr. Bruce E. Bailey, 2536 Robert Fenton Road, explained why construction was begun before Board approval.

B. Ms. Mary Jo Bailey, 2536 Robert Fenton Road, detailed for the Board how the plan had been modified to accommodate any further mitigation.

C. Mr. Chase Grogg, Landtech Resources, Inc., 205 Bulifants Boulevard, Suite E, explained the status of the conservation easement on the property and how the site boundaries were affected.

Ms. Bowie closed the Public Hearing.

F. BOARD CONSIDERATION(S)

Mr. Woolson introduced two new alternate Board members, Mr. Mark McElroy and Mr. Matthew Woolsey.


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 6:18 p.m.



Charles Roadley
Chair, Chesapeake Bay Board



Michael Woolson
Secretary to the Board